

## **REMARKS**

Applicants' undersigned attorneys would like to thank the Examiner for the courtesies extended during the telephonic interview conducted on November 28, 2006 regarding the Office Action mailed August 14, 2006.

During the telephonic interview, Applicants' attorneys and the Examiner first discussed, in general terms, Applicants' invention as set forth in detail in the present application. Applicants' attorneys then addressed the portion of the Background Information relied upon by the Examiner, specifically noting that paragraph [0003] of the published present application is not an admission of prior art. Rather, paragraph [0003] discusses how the embodiments of the present claimed invention for scheduling an abbreviated MRI procedure designed for an asymptomatic individual improves over the prior art. The focus of the interview then turned to (i) the rejection of claims 1-10, 13-15 and 18-20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ralston et al. U.S. Patent No. 6,389,454 (hereinafter "Ralston"); and (ii) the rejection of claims 11-12 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Ralston in view of Pinard et al. U.S. Patent No. 5,940,834 (hereinafter "Pinard"). As discussed in greater detail below, regarding the rejection of the claims, Applicants' attorneys explained that Ralston, alone or in combination, do not teach or suggest scheduling an abbreviated MRI procedure for an asymptomatic individual.

Turning now to the substance of the Office Action, claims 1-20 are pending in the present application. Claims 1-20 stand rejected. Claims 1, 13 and 20 have been amended. No new matter has been introduced.

Claims 1-10, 13-15 and 18-20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ralston. Applicants respectfully traverse the foregoing claim rejections as set forth below.

As set forth in detail in the present application, Applicants' claimed invention is directed to embodiments of a system and method to allow a user to access a scheduling service provider and a screening MRI is arranged without a medical referral. After a user profile is completed and accepted by the scheduling service provider, an appointment for an MRI can be scheduled with a participating MRI facility or MRI screening center. Alternatively, low cost MRI screening units which can be conveniently located and available for the general public may be utilized. According to the present claimed invention, the scheduling service provider can increase the percentage utilization of the existing MRI facilities and increase the availability of MRI scanning to the general public at a reduced cost.

Ralston describes a system and method for scheduling an appointment at a plurality of facilities providing a plurality of services. The system and method of Ralston receives a packet of client information (i.e., personal data, service data, client appointment preference data, and payment data); compares the service data to a set of service constraints in order to determine any limitations on the scheduling of the appointment; inputs the client information into a scheduling server; verifies the client information; generates a predetermined number of appointment candidates based upon an analysis of the client information and the appointment scheduling limitations; communicates the appointment candidates to the client; generates an appointment based upon the client's selection of one of the appointment candidates; generating appointment information related to the appointment, the appointment information including the client information, the service constraints, an appointment date, an appointment

time, the identity of the available facility, and the resources to be utilized; reports at least a portion of the appointment information to the client and all of the client information to the available facility; and confirms the appointment in the scheduling server. *See* Ralston at 2:53-3:35; 4:65-6:27.

The Examiner admits that Ralston does not teach scheduling an abbreviated MRI procedure designed for an asymptomatic individual. Office Action at ¶ 4. The Examiner relied on ¶ [0003] of the published present application as admitted prior art to then argue that it would have been obvious to one of ordinary skill in the art to modify Ralston to achieve the present claimed invention. Applicants respectfully submit that ¶ [0003] is not an admission of prior art for the reasons set forth above. As discussed during the Interview, ¶ [0003] describes how embodiments of the present claimed invention for scheduling an abbreviated MRI procedure designed for an asymptomatic individual improves over the prior art. It is appropriate in the specification to provide “[w]here applicable, the problems involved in the prior art or other information disclosed which are solved by the [Applicants’] invention.” MPEP § 608.01(c)(2). Additional evidence that ¶ [0003] describes how the present claimed invention improves over prior art can be found at ¶¶ [0015] and [0028] of the published present application. Thus, Applicants submit that one of ordinary skill in the art would not find a teaching or suggestion in Ralston of scheduling an abbreviated MRI procedure designed for an asymptomatic individual.

Therefore, it is respectfully submitted that independent claims 1, 13 and 20 are patentable over the cited reference. Notice to this effect is earnestly requested. It is further submitted that dependent claims 2-10, 14-15 and 18-19 are also allowable by reason of their various dependencies from independent claims 1, 13 and 20 as well as for the additional features and structure recited therein. Notice to this effect is also earnestly requested.

Claims 11-12 and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ralston in view of Pinard. Applicants respectfully traverse the foregoing claim rejections as set forth below.

It is respectfully submitted that dependent claims 11-12 and 16-17 are allowable by reason of their various dependencies from independent claims 1 and 13, as well as for the additional features recited therein. Notice to this effect is earnestly requested.

In addition, Pinard fails to cure the severe deficiencies of Ralston. Pinard describes a system and method for web page generation which provides for automatic web page creation of an organizational directory for use in an Internet and Intranet environment. *See* Pinard at Abstract; 1:52-2:67; 4:29-5:10. Pinard does not teach or suggest scheduling an abbreviated MRI procedure designed for an asymptomatic individual. Accordingly, one of ordinary skill in the art would not look to Pinard to find a teaching or suggestion to modify Ralston to yield the present claimed invention.

Applicants submit that no claim amendments are necessary because all claims as originally filed in the present application are allowable over the cited prior art, as discussed in detail above. However, in order to advance the prosecution of this case, especially given its prolonged pendency in the PTO, Applicants have amended claims 1, 13 and 20 to clarify the claimed invention. No new matter has been introduced.

On the basis of the foregoing remarks and amendments, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 50-0540 in the amount of \$225 to cover the fee under 37 C.F.R. 1.17(a)(2) for a Petition for a Two-Month Extension of Time, which is submitted herewith. Please charge any fee deficiency or credit any overpayment to the undersigned attorneys' Deposit Account No. 50-0540.

Respectfully submitted,

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